IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY
WRIT PETITION NO : 3178 of 2005

Between:
1 Sri Tumati Prabhakara Rao, S/o. Veeraswamy,
Hawker (Under Cancellation),
Krishnapuram Village, Pamidimukkala (M),
Krishna District.
2 Sri Angadala Veeraswamy, s/o. Gopaiah,
Hawker (Under Cancellation),
Krishnapuram Village, Pamidimukkala (M),
Krishna District.

..... PETITIONERS

AND

1 The Director of Civil Supplies,
Government of Andhra Pradesh, Hyderabad.

2 The Joint Collector, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the Order passed by the 2nd Respondent herein in Rc.No. A1/27/2001(BL 493/2002), dated 27-1-2004 as arbitrary, illegal and without application of mind and consequently direct the Respondents herein to continue the petitioners as Kerosene Hawkers of Krishnapuram Village, Pamidimukkala Mandal, Krishna District and pass such other order or orders

Counsel for the Petitioners: Mr.T.NIRANJAN REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioners are the kerosene hawkers of Krishnapuram Village of Krishna District. Their licences were cancelled on an earlier occasion through orders, dated 28.01.2003 by the Joint Collector, Krishna District, 2nd respondent herein. Aggrieved thereby, the petitioners preferred an appeal before the Joint Director of Civil Supplies, the 1st respondent. The order of cancellation was set aside by the 1st respondent and the matter was remanded to the 2nd respondent for fresh disposal vide order, dated 19.11.2003. On such remand, the 2nd respondent passed an order, dated 27.01.2004, once again cancelling the licences of the petitioners. The same is challenged in this writ petition.

Heard learned counsel for the petitioners and learned Government Pleader for Civil Supplies.

Though the learned counsel for the petitioners had urged several contentions touching on the facts as well as the law, this Court is not inclined to entertain the same at this stage. The petitioners had already availed the remedy of appeal on an earlier occasion against the similar order of cancellation. There is no reason why they can skip that remedy, when their licences are cancelled after the matter was remanded. They can urge all the contentions before the appellate authority.

Hence, the writ petition is disposed of, leaving it open to the petitioners to avail the remedy of appeal before the 1st respondent.

The order of cancellation was passed more than a year ago. The petitioners state that on account of financial difficulties, they could not pursue the remedies immediately. Taking the totality of the circumstances into account, it is directed that in case the petitioners prefer an appeal within four weeks from today, it shall be received by the Office of the 1st respondent as having been presented within the period of limitation. There shall be no order as to costs.

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22.02.2005

Note: Issue C.C. in three days.
(B/o)
Jsu

To

1 The Director of Civil Supplies,
Government of Andhra Pradesh, Hyderabad.

2 The Joint Collector, Machilipatnam, Krishna District.

3 Two CCs to the GP FOR CIVIL SUPPLIES,
High Court Buildings, Hyderabad (O.U.T.)

4 2 CD copies